

REMARKS

Claims 1-8 and 10-17 were previously pending in the present application. As noted above, independent claims 1, 5, 10 and 14 have been amended, and new claims 18-33 have been added. The amendments are fully supported throughout the Specification.¹ Thus, claims 1-8 and 10-33 are now pending.

Applicants respectfully request reconsideration of this application based on the following remarks.

Claim Rejections – 35 USC § 102

Claims 1-3, 5-7, 10-12, and 14-16 are rejected under 35 USC § 102(b) as being anticipated by US Patent Application Publication No. 2002/0137502 A1 to Cronin et al. (hereinafter Cronin). To the extent this rejection remains applicable to the claims, as amended, Applicants respectfully traverse this rejection.

Cronin fails to disclose or suggest the recited subject matter, and thus the pending claims are patentable over Cronin. For a prior art reference to anticipate, 35 U.S.C. §102 requires that “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”²

Independent claims 1, 5, 10 and 14 respectively recite a device, a method, an apparatus and a computer program product that each include wherein file system provides a single interface from a user interface to access both one or more locations of directly addressable data resources and one or more locations of indirectly addressable data resources access, and wherein the file system comprises a single root that includes both the directly addressable data resources and the indirectly addressable data resources.

Cronin fails to disclose or suggest a file system with a single root. Cronin does not disclose any root, and thus fails to disclose a file system having a single root. Thus, as Cronin is silent with respect to the recited subject matter, independent claims 1, 5, 10 and 14 are patentable over Cronin.

¹ See, e.g., Specification, page 17, line 7 to page 18, line 18, and page 20, lines 21-29.

² *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999)(quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Claims 2, 3, 6, 7, 11, 12, 15 and 16 depend from one of independent claims 1, 5, 10 or 14, and thus are patentable over Cronin for at least the same reasons. Further, each of these claims separately recites a combination of subject matter that is not disclosed or suggested by Cronin.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-3, 5-7, 10-12, and 14-16 under 35 USC § 102(b) as being anticipated by Cronin.

Claim Rejections – 35 USC § 103

Claims 4, 8, 13, and 17 are rejected under 35 USC § 103(a) as being obvious over Cronin in view of US Patent Application Publication No. 2004/0034853 A1 to Gibbons et al. (hereinafter Gibbons). To the extent this rejection remains applicable to the claims, as amended, Applicants respectfully traverse this rejection.

Any combination of Cronin and Gibbons fails to disclose or suggest the recited subject matter. In particular, claims 4, 8, 13, and 17 respectively depend from one of independent claims 1, 5, 10 or 14, which are believed to be patentable over Cronin as noted above. Further, Gibbons fails to address the above-noted failures of Cronin. Thus, claims 4, 8, 13, and 17 are also non-obvious and patentably distinguishable over the cited prior art references.³ Further, each of these claims separately recites subject matter not disclosed or suggested by any combination of the cited references.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 4, 8, 13, and 17 under 35 USC § 103(a) as being obvious over Cronin in view of Gibbons.

New Claims

Applicants have added new claims 18-33 to recite subject matter to which they are entitled. As noted above, these new claims are fully supported throughout the Specification.

Additionally, claims 18-33 are allowable, as there is no combination of the cited references that discloses or suggests the subject matter recited by these claims.

In particular, claims 18-33 respectively depend from one of independent claims 1, 5, 10 or 14, which are believed to be patentable over any combination of the cited references, as

³ MPEP 2143.03.

discussed above. Thus, for at least the same reasons, claims 18-33 are also non-obvious and patentably distinguishable over the cited prior art references.⁴

Further, each of these claims separately recites subject matter not disclosed or suggested by any combination of the cited references.

For example, there is no combination of the cited references that discloses or suggests a device, a method, an apparatus and a computer program product that each include a user interface that comprises a plurality of hierarchical planes, wherein a display of a first user interface element from a higher one of the plurality of hierarchical planes in a portion of the user interface takes preference over a second user interface element from a lower one of the plurality of hierarchical planes, as recited by claims 18, 22, 26 and 30.

Further, for example, there is no combination of the cited references that discloses or suggests a device, a method, an apparatus and a computer program product wherein the plurality of hierarchical planes include a first plane corresponding to a mobile network operator, a second plane corresponding to a device manufacturer, a third plane corresponding to a software provider, and a fourth plane corresponding to a device user, wherein the first plane has priority over the second plane, the second plane has priority over the third plane, and the third plane has priority over the fourth plane, as recited by claims 19, 23, 27 and 31.

Moreover, for example, there is no combination of the cited references that discloses or suggests a device, a method, an apparatus and a computer program product that include a component for, act of, means for or instructions for reading an update packet that comprises an update to the file system, and generating a network thread and a renderer thread to unpack and install the update, wherein the network thread performs an amount of the update processing, as recited by claims 20, 24, 28 and 32, or wherein the amount of the update processing is sufficient to interrupt the renderer thread for a shortest possible amount of time, as recited by claims 21, 25, 29 and 33.

Therefore, Applicants respectfully request that the Examiner allow claims 18-33.

⁴ MPEP 2143.03.

CONCLUSION

In light of the remarks contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: September 7, 2010

By: /Nicholas A. Cole/
Nicholas A. Cole
Reg. No. 60,957
(858) 658-1834

QUALCOMM Incorporated - 051036
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-1834
Facsimile: (858) 658-2502

Arent Fox, LLC – 030284.01009